

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall – City Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

March 4, 2008

Meeting was commenced at 7:07 p.m.

PRESENT:

Council Members: Chairman Chris McCandless, Vice Chairman Scott Cowdell, Bryant Anderson, Steve Fairbanks, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Assistant to the CAO Korbin Lee; Emergency Management Coordinator Ken Kraudy; Public Information Officer Trina Duerksen; City Attorney Walter Miller; Contract Attorney Pat Casaday; Community Development Director Mike Coulam; Planning Director James Sorensen; Public Utilities Director Shane Pace; Support Services Manager for Public Utilities Scott Ellis; Public Works Director Rick Smith; Economic Development Director Randy Sant; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Parks Supervisor Mike Marett; Community Events Director Mearle Marsh; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

ABSENT/EXCUSED:

Mayor Tom Dolan [Family Emergency]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Weston Cash of Troop #1990**, and the Pledge was led by **Stephen Hawks**, also of Troop #1990.

2. **Special Presentations:**

a. **Special Citizen Award – Max Burdick**

Community Development Director Mike Coulam recognized Max Burdick for service rendered as Planning Commission Chairman from July, 2007 through December 2007. Mr. Coulam noted that Mr. Burdick demonstrates professionalism, dignity, care and humor in chairing the Planning Commission meetings. The road systems, land uses, and aesthetics of the City are influenced by the Planning Commission. Mr. Burdick was unable to attend the Annual Appreciation Banquet and was invited to receive his award at a City Council Meeting.

Max Burdick, on behalf of his wife and family, presented a letter of appreciation to all of the Department Heads and Staff expressing appreciation to Sandy, their city of choice to raise their children, grandchildren and great grandchildren. Also, for making Sandy the envy of the Wasatch Front, and for allowing them to volunteer as residents in the community.

b. **Employee Recognition - Emergency Management Coordinator Ken Kraudy**

Council Chairman Chris McCandless along with CAO Byron Jorgenson presented a resolution of commendation to Emergency Management Coordinator Ken Kraudy for his widely recognized expertise in his profession as a teacher and mentor for other communities; and for establishing and promoting Sandy's Citizen Corps, and creating effective community partnerships utilizing the Citizen Corps Program, Critical Incident Protocol Training, and the Western Community Policy Institutes' "Resilient Communities" curriculum.

3. CITIZEN COMMENTS:

- a. Alan Parkinson**, 10207 South Aspen Ridge Road asked why Sandy City implemented an ad campaign to market the City.

Chairman McCandless reported that the branding campaign was implemented based on the fact that the City is a business and should be advertized to promote itself. This helps maintain a stable tax base, attract businesses to the City which in turn promotes a stable economic base keeping residents' taxes below average, making Sandy a better place for residents to live,

Scott Cowdell reported that the recent Dan Jones survey revealed that the residents' perception was that Sandy had high taxes. However, Sandy has the second lowest tax rate compared to the five largest cities in the State. Mr. Cowdell indicated that Sandy City has lowered taxes by 10% over the last ten years.

Bryant Anderson reported that proportionately, the School District receives 57 %, the City receives 11 %, and the County and other agencies receive the remaining portion of the property taxes.

As there were no further comments, Chairman McCandless closed Citizen Comments.

PUBLIC HEARING(S):

4. General Plan Amendment – Parks, Recreation and Trails Element

Public Hearing to consider a request by the Sandy City Parks and Recreation Department to amend the trails map in the Parks, Recreation and Trails Element of the General Plan. The proposed amendment will update the trails map to include a new 10 foot Multi-Use Path and future Multi-Use Paths around the Quarry Bend Development located at approximately 9375 South 1120 East. The proposal also includes a future trail access connection to Morning View Drive just to the east in the Quail Point Subdivision.

Discussion: Planning Director James Sorensen reported that the Sandy City Parks and Recreation Department is requesting to amend the Parks, Recreation and Trails element of the Sandy City General Plan. The proposed amendment will update the trails map to include a new 10ft Multi-Use Path and future Multi-Use Paths around the Quarry Bend development located at approximately 9375 South 1120 East. The proposal also includes a future trail access connection to Morning View Drive just to the east in the Quail Point Subdivision. The Parks and Recreation Department request is to amend the trails section of the Parks, Recreation and Trails element to include the proposed alignment. Attached to the staff report is a description and maps of the proposed trail location around the Quarry Bend Development. (see attached plan description section and maps).

Adopting the proposed alignment will help facilitate the development of the trail in a manner that is consistent with the Sandy City General Plan. The General Plan recommends that the City focus on trail expansion efforts for recreational and commuting purposes, also to prioritize the connections of the multi-use trails within the City.

Staff is recommending that the proposed General Plan Amendment be adopted, thus amending the Parks, Recreation and Trails element of the Sandy City General Plan.

Chairman McCandless opened then closed the Public Hearing as there were no comments.

Motion: **Dennis Tenney** made the motion to approve the amendment to the Parks, Recreation and Trails element of the Sandy City General Plan updating the trails map to include a new 10ft Multi-Use Path and future Multi-Use Paths around the Quarry Bend development located at approximately 9375 South 1120 East.

Second: **Linda Martinez Saville**

Vote: **Tenney- Yes, Saville- Yes, Cowdell – Yes; Smith – Yes; Fairbanks – Yes; Anderson – Yes; McCandless – Yes**

Motion Approved: All in Favor

5. Rezoning – ReAL Salt Lake Rezoning II
Public Hearing to consider a request submitted by ReAL Salt Lake to rezone approximately 3.84 acres from the PUD(8) “Residential District” to the RC “Regional Commercial District”, located at approximately 91 West 9000 South.

Discussion: **Planning Director James Sorensen** reported that Utah Soccer Stadium Owner, LLC, is requesting to rezone approximately 3.84 acres from the PUD(8) “Planned Unit Development District” to the RC “Regional Commercial District”. The property is located at approximately 91 West 9000 South. Currently, the subject property is undeveloped. The property was previously rezoned in October of 2005 from R-1-40A “Residential District” to PUD (8) for a proposed multi-family town home project. In 1990, much of the surrounding area was rezoned to the RC District as part of a citywide Development Code Rezoning. The subject property was rezoned to R-1-40A as a holding” zone and later to the PUD(8) zone.

The subject property is bordered on the north by a one acre commercial piece that was part of the previous zone change, with 9000 South beyond. To the west is an existing retail center within the RC Zone and to the east is the Tiny Wood Village Mobile Home Park. Property to the south includes the Jordan & Salt Lake Canal and the ReAL soccer stadium.

ANALYSIS

The Sandy City Land Development Code states the following regarding the proposed RC “Regional Commercial District”:

15-04-03-B Regional Commercial (RC) - Purpose.

The Regional Commercial District is established to stimulate economic development by allowing for a diversity of land uses in areas of Sandy City that are accessible to regional transportation facilities and developed within “Planned Commercial Centers.” This district is intended to stimulate creative development and site design for highway commercial uses.

The applicant is proposing to integrate this site with the overall development of the soccer stadium and to utilize it for parking. The one acre piece to the north of the subject property (previously rezoned to RC) will be part of the parking area and is currently occupied by a vacant house and a garage building. It is anticipated that these buildings will be demolished as part of the development of the site.

The City Council adopted the **90th South Gateway Master Plan** in October of 2003 which states that this area has an emerging retail character with an emphasis on entertainment and leisure activities. Although this property was designated and medium to high density residential at the time of adoption, the development of the professional soccer stadium further promotes the transformation of this area into a viable commercial and recreation environment. This is

particularly evident when the overall project is considered in conjunction with the Jordan Commons development and the Exposition Center.

STAFF RECOMMENDATION

Staff contacted the neighborhood coordinator and determined that a neighborhood meeting was not required. The applicant held a neighborhood meeting in October of 2006, prior to the original rezoning for the soccer stadium. Staff recommends that the proposed ReAL Salt Lake Rezoning II be approved, thus rezoning approximately 3.84 acres from the PUD(8) "Planned Unit Development District" to the RC "Regional Commercial District" based upon the following findings:

1. The proposed rezoning is consistent with the intent of the 90th South Gateway Master Plan adopted in October of 2003.
2. The subject property was rezoned PUD (8) for a development that did not occur. Prior to that, the property was zoned R-1-40A as a "holding" zone with the intent it would be rezoned later to the RC District.
3. Rezoning of these parcels will promote a consistent zoning in the area that will encourage consistency and provide needed parking for the soccer stadium project.

James Sorensen read into the record an e-mail from a Mr. Jeffery Cornwell, President of the Cornwell Group, 115 West 9000 South, supporting the proposed rezoning.

John Moss, ASWN, 5151 South 900 East, noted that the rezoning was one more needed piece of the puzzle to bring the block that surrounds the stadium in conformance with the Gateway Master Plan.

Chairman McCandless opened the Public Hearing.

Alan Parkinson, 10207 South Aspen Ridge, asked for the definition of a PUD Zone.

Chairman McCandless explained that PUD stands for "Planned Unit Development", which is zoned residential and allows eight units to be built on an acre of ground.

As there were no further comments, the Public Hearing was closed.

Steve Smith expressed concern over the impacts the RC Zone could have on the Tiny Wood Village and if mitigating factors with the proposed parking facility had been addressed.

James Sorensen reported that the Planning Commission would address the various impacts associated with the parking facility during the site plan review.

Motion: **Dennis Tenney** made the motion to have documents brought back adopting the ReAL Rezoning II; rezoning approximately 3.84 acres from the PUD(8) "Residential District" to the RC "Regional Commercial District", located at approximately 91 West 9000 South.

Second: **Bryant Anderson**

Vote: **Tenney- Yes, Anderson – Yes, Saville – Yes, Fairbanks- Yes, Cowdell- Yes, Smith –Yes; McCandless – Yes**

Motion Approved: All in Favor

COUNCIL ITEM(S):

6. **Interlocal Agreement: Salt Lake County/Sandy City for One Million Trees for One Million People**
Resolution #08-15C – authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City for one million trees for one million people grant project.

Mike Marrett, Parks Supervisor reported that the County was awarded a Community Forestry Grant through the Utah Division of Forestry, Fire, and State Lands in cooperation with the USDA Forest Service supporting the County's "One Million Trees for One Million People" program. Sandy City desires to participate in the program by planting trees on public property within the City. The County will grant the City an amount up to, but not to exceed, \$1,000.00 for the purchase of trees under the grant program. The County will be responsible for administering the program, along with funding and reimbursement to the City. The City would agree to purchase and plant trees on public property within the City using the species of trees listed on the One Million Trees list. Mr. Marrett noted that the City would be reimbursed by the County for the trees that were planted at the Golf Course and at Quarry Bend once the agreement has been approved by the Council, and documents are sent to the County.

Steve Smith asked why the agreement states that the County was required to file a final report with the State no later than December 31, 2007, and why we are now acting on this agreement.

Mike Marrett reported that the agreement had to be extended since the process had been somewhat delayed.

Bryant Anderson asked how many trees the City has been able to plant with the \$1,000.00 from the grant.

Mike Marrett reported that approximately 275 trees have been planted; 206 at Quarry Bend, 60 trees at the Golf Course, and 10-15 replacement trees in various city parks.

Steve Fairbanks asked how many trees the City could purchase with the \$1,000.00.

Mike Marrett reported that the City could purchase approximately 12 somewhat mature trees with the \$1,000.00.

Chris McCandless stated that "it was a very fun project" when they helped plant trees at Quarry Bend.

Dennis Tenney asked if the City would be implementing an annual tree planting program in order to meet the requirements as a participant in the Million Trees program.

Mike Marrett stated that there will be more opportunities throughout the year besides Sandy Pride to plant trees. Each year hundreds of trees are planted during Sandy Pride. The Parks Department is also hopeful to have the project near 1300 East and 9400 South ready for planting by Sandy Pride. Trees at the Urban Fishery will be planted throughout the summer. Approximately 300 trees will be planted between these two projects. There will also be a scout project to reseed the burned area near Hidden Valley Park. The Parks Department is hopeful to plant between 400-450 trees within the year.

Linda Saville asked if Mike Coulam would explain Sandy Pride to the Scout troops who were at the meeting.

Mike Coulam reported that the Sandy Exchange Club initiated Sandy Pride Day back in 1984. The intent was to involve citizens, scout troops, and businesses to help with various projects that would improve the community. Sandy Pride Day is scheduled for Saturday, May 17th, 2008. Mr. Coulam encouraged the scout troops to contact the City for ideas on projects. He noted that many volunteers would be needed to plant trees at The Amphitheater property.

Mike Marett also reported that Arbor Day would be held on the same day as Sandy Pride Day.

Scott Cowdell asked if trees that are planted by residents in their own yards would be included in the million trees program, and if so, was there a number for the residents to call and report too.

Mike Marett stated "yes". The million trees is a ten year program. Residents can contact Mr. Marett at the Parks Department to have their trees added to the list. He stated that the City will need to plant approximately 179 trees a day in order to meet the million trees in ten years.

Chris McCandless asked if the Parks Department obtained their seedlings from Loan Peak Park.

Mike Marett stated "yes", and noted that Loan Peak has native species that work very well with the environment.

Chris McCandless stated that at times it is difficult to find Eagle Scout projects. Planting trees would be a great project that would be fully funded by the City.

Motion: **Bryant Anderson** made the motion to adopt Resolution #08-15 C. authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City for one million trees for one million people grant project.

Second: **Dennis Tenney**

Vote: **Anderson- Yes, Tenney –Yes, Fairbanks- Yes, Smith-Yes, Cowdell – Yes; Saville – Yes; McCandless – Yes**

Motion Approved: All in Favor

7. Disclosure – City Property Falcon Hurst

Public Works Director Rick Smith reported that In 1992, a piece of property south of 9800 South at approximately 2000 East, including a portion of the Highland Drive corridor, became available on an FDIC auction. Citizens in area were interested in purchasing the land, however, they agreed to let Sandy City purchase the property, and then work with the property owners to sell them the excess ground. The City purchased 4.164 acres of property for \$24,000.

In 1994 the City Council and Planning Commission reviewed the plan to sell the excess property back to the adjacent property owners. Several specific conditions were placed on the potential transfer including:

- (1) The Citizens would purchase the property at the same price per square foot that the City paid, plus an inflation factor.
- (2) That a 6 foot tall green vinyl fence be install along the entire west boundary of the property.

- (3) That landscaping specifications be met by the property owners at their cost.
- (4) That the fencing would not cross a waterline easement along the west property line.
- (5) That lot 73-A would have a deed restriction making it a non-buildable lot.

The City Council also was told that if a property owner did not want to purchase the property adjacent to their lot that another owner would be able to buy the property.

Subsequent to these meetings no further formal action was taken at that time.

In 1999, UDOT, Sandy City, Draper City, Salt Lake County, and UTA completed a Draft EIS on the 2000 East corridor. This study more formally identified the land needed for the construction of 2000 East.

In 2007, the POMA pipeline project was completed along the corridor allowing the actual land for the needed slope easement to be identified. At this point the City began to develop a plat of the property that would be available to the adjacent land owners, and to plat the actual square footage that would be available for each lot. In addition, an actual current value of the land was developed.

With the plat completed, and a value for the ground now established, the City administration is ready to move forward with the transaction with some modifications to the previous list of conditions.

- (1) The Citizens would purchase the property at the same price per square foot that the City paid, plus an inflation factor. (Randy Sant has a recommendation for the price per square foot Ref: Exhibit "A")
- (2) That a 6 foot tall vinyl coated chain link fence be install along the entire west boundary of the property.
- (3) That the fencing would not cross a waterline easement along the west property line.
- (4) That landscaping specifications be met by the property owners at their cost.
- (5) That lot 73-A would have a deed restriction making it a non-buildable lot.
- (6) That each homeowner comply with Sandy City's zoning ordinance regarding the use of this additional property.

Mike Coulam reported that the City, after purchasing the property at auction back in 1992, held onto the property at the adjacent property owners' requests, and is now ready to sell the property back to those property owners. The property will be sold to the property owners with the

agreement that was set back in 1992, to sell the land at fair market value with an inflationary factor.

Scott Cowdell asked what type of structures the residents would be allowed to build on the additional property.

Mike Coulam stated that the residents would be allowed to build an accessory structure as long as the use complies with the current ordinance.

Scott Cowdell stated that he was not certain that the City should be making a profit from the sale of the property by factoring inflationary costs into the cost of the land. He felt that the property should be sold back to the residents without inflationary costs since they could have purchased the land back in 1992.

Rick Smith stated that the proposed five cent inflationary cost was not a significant amount. He noted that the City is required to sell the property at the appraised value.

Economic Development Director Randy Sant also reported that the City is required to sell the property at fair market value. It is hard to assess a fair value for this parcel of land since the property is unusable for the most part. The inflationary rate would only be a \$300.00 increase per lot from what the property owners would have paid back in 1992. The city ordinance states that the Administration would need to prove why the property should be sold at less than fair market value.

Steve Smith asked why there was a requirement for a vinyl chain link fence.

Rick Smith reported that the fence would help define and protect the yards.

Mike Coulam stated that the residents agreed to the vinyl fence as part of the agreement back in 1992.

Steve Smith asked if the contour of the slope would jeopardize the roadway once the property line is moved, and if residents will be able to build and/or plant vegetation on the slope.

Rick Smith reported that once the property owners install a fence and plant vegetation it should not compromise or impact the slope.

Steve Smith asked if the property owners would be allowed to build a retaining wall.

Mike Coulam stated that residents could build a retaining wall, but they would be required to comply with the City's hillside overlay zone since some areas of the slope are over 30%.

Bryant Anderson asked if the chain link fence would be temporary until a sound wall is installed.

Rick Smith reported that the fence would be permanent. No studies have been conducted to determine whether a sound wall may one day be warranted for this area.

Dennis Tenney asked if the City would be in violation if inflationary costs were not included in the sale of the property.

Randy Sant stated that this would need to be researched to find and determine and prove a compelling reason why the property is being sold for less than fair market value.

Dennis Tenney asked if the property owners supported paying the inflationary costs.

Mike Coulam stated that since the sale of any City property falls under the authority of the Administration, they would meet with the residents to finalize the agreement on the sale of the property. As a courtesy to the Council, the administration is presenting this disclosure to inform them of the pending sale of the property.

Bryant Anderson stated that the County may reassess the value of the property at a higher cost to the City if an inflationary cost is not factored into the sale of the property.

Steve Smith asked if the City or property owners would own the strip of land that is between the roadway and the property line, or would it become a public right-of-way.

Rick Smith believed that the strip of land would be kept as an easement for maintenance purposes. Mr. Smith did not believe that sound walls would be required based on the elevations in the area.

Steve Fairbanks noted that the disclosure from the Administration was in accordance with terms the City Council helped to establish back in 1994, which included inflationary costs. Part of those terms was for the Administration to inform the Council of the intent to dispose of property.

Phil Glenn felt that since the contract does not state who is responsible for costs and installation of the fence, he felt that it may be prudent for the Council to clarify that the residents be responsible for installing the fence.

Rick Smith reported that the reason this is not in the agreement is that the installation and costs for the fence have yet to be determined. The City would like to do this in a way that would not only be economical and efficient, but also fair for all parties.

Chris McCandless asked if a representative from the citizens group would like to speak

Brian Whipple, 9902 Falcon View Drive, stated that he was one of the original property owners who participated in forming the agreement in 1992. He clarified that the original agreement stated that the inflationary rate would be 13 cents per square foot, not the proposed 16 cents as recommended by Mr. Sant. Mr. Whipple stated that this could help ease some of the Council's concerns, and also the pocket books of the residents. Some of the original property owners have since moved, and that some of the homes are rental homes that are owned by individuals who live out of state. He complimented Staff on the professional manner in which they have kept the residents informed through this process. He stated that he was ready to move forward with this process.

Randy Sant indicated that if, in fact, the 13 cent inflationary factor was what was agreed upon, adjustments could be made to the current agreement.

8. Intent to Annex: Isabella Estates Annexation

Resolution #08-19C – indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice.

Motion: **Steve Smith** made the motion to adopt Resolution #08-19 C, indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice.

Second: **Steve Fairbanks**

Vote: Smith- Yes, Fairbanks- Yes, Anderson –Yes, Tenney- Yes, Saville- Yes, Cowdell – Yes
McCandless – Yes

Motion Approved: All in Favor

9. **Insurance Coverage/Liability Insurance to appointed Transition Team Members**
Resolution #08-18C – to provide insurance coverage and liability protection to the Transition Team appointed to represent a New School District and to ratify the Transition Team's bylaws.

Discussion: Contract Attorney Pat Casaday reported that State Statute mandated the formation of a transition team as part of the creation of a new school district. Once the transition team was appointed, it came to the forefront that the members did not have workman compensation or indemnification insurance. The adoption of this resolution would provide such benefits for the members. Draper, Midvale and Cottonwood Heights will share costs between all four entities, based on population.

Steve Smith asked if the coverage would extend to administrative personal hired or appointed by the transition team, who are not city employees.

Pat Casaday reported that the City has separate contracts for transition team members who are not city employees. He noted that the City hired Linda Bolo as an administrative assistant to the transition team, who has an independent contract with similar provisions.

Motion: Bryant Anderson made the motion to adopt Resolution #08-18 C, to provide insurance coverage and liability protection to the Transition Team appointed to represent a New School District and to also ratify the Transition Team's bylaws.

Second: Dennis Tenney

Vote: Anderson –Yes, Tenney- Yes, Saville- Yes, Fairbanks – Yes, Smith – Yes, Cowdell – Yes,
McCandless – Yes

Motion Approved: All in Favor

- 10 **Modification to the Staffing Plan**
Resolution #08-16C – amending the Community Events and Sandy Arts Guild Staffing Plan for Fiscal Year 2007-2008.

Discussion: Assistant CAO Scott Bond reported that an employee would be retiring in December from the Community Events and Arts Guild Staff. The staffing document would need to be increased within the existing budget for salaries and wages, also the administration would like the budget to remain open until December when this employee retires then make the adjustments to the plan at that time.

Chris McCandless asked who the individual was that was going to retire.

Scott Bond stated that Community Events Assistant Jacque Brown would be retiring from the City.

Motion: Steve Fairbanks made the motion to adopt Resolution #08-16 C, amending the Community Events and Sandy Arts Guild Staffing Plan for Fiscal Year 2007-2008.

Second: Steve Smith

Vote: Fairbanks- Yes, Smith- Yes, Tenney- Yes, Anderson- No, Saville- No, Cowdell- Yes,
McCandless – Yes

Motion Approved: 6 in favor- 1 opposed

MINUTES:

11. Approving the February 19, 2008 City council Meeting Minutes.

Motion: **Steve Smith** made the motion to approve the City Council Meeting Minutes of February 19, 2008 as written.

Second: **Steve Fairbanks**

Vote: **The Council voted in the affirmative to the motion.**

All in Favor

12. MAYOR'S REPORT

a. Mayor Dolan was not in attendance.

13. CAO'S REPORT

a. Report was given in Planning Meeting.

14. COUNCIL OFFICE DIRECTOR'S REPORT

Phil Glenn informed the Council that the term of John Kirkham, a member on the Metro Water Board expired in January, 2008. The position is required to have a thirty days public notice to open the position and start the process for reappointment.

15. OTHER COUNCIL BUSINESS

Dennis Tenney reported that he would be out of town next week for the National League of Cities Congressional Conference in Washington D.C.

At approximately 8:10 p.m., Bryant Anderson made a motion to adjourn City Council Meeting, motion seconded by Steve Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Chris McCandless
Council Chairman

Pam Lehman
Council Office Manager